

RECEIVED
CENTRAL FAX CENTER
OCT 25 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	
Burba, et al.)	Examiner Unassigned
Serial Number: 10/706,554)	Art Unit 3761
Filed: 11/12/2003)	PETITION TO
For: Ultrasound Probe)	MAKE SPECIAL
Positioning Immersion)	
Shell)	

Central FAX: 571-273-8300

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and
Trademark Office to: 571-273-8300 on 10-25-06
J.A. RATH [Signature]
Print Name Signature

PETITION TO MAKE SPECIAL

Applicants petition for expedited examination based on
the attached declaration of a knock-off infringing product.

Charge any small entity fees to Deposit Account 10-0230.

Respectfully submitted,

HUGH D. JAEGER, P.A.

[Signature]
Hugh D. Jaeger, Esq.
Registration No. 27,270
1000 Superior Blvd., Suite 302
Wayzata, MN 55391-1873
Telephone: 952-475-1880
Facsimile: 952-475-2930

10/23/2006

MYFILES\PLEAD\PL5286

PTO/SB/21 (09-04)

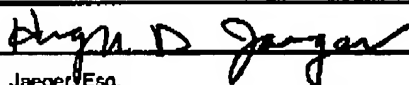
Approved for use through 07/31/2006. OMB 0651-0031

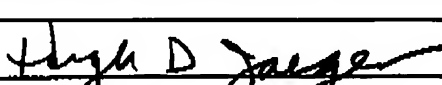
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/706,554	
	Filing Date	11-12-2003	
	First Named Inventor	Burba, et al.	
	Art Unit	3761	
	Examiner Name	Unassigned	
Total Number of Pages In This Submission	6	Attorney Docket Number	BURBA P521.

RECEIVED
CENTRAL FAX CENTER
OCT 25 2006

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Petition to Make Special Declaration Exhibit 1 (2 sheets)
Remarks _____		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	HUGH D. JAEGER, P.A.	
Signature		
Printed name	Hugh D. Jaeger, Esq.	
Date	10-25-2006	Reg. No. 27,270

CERTIFICATE OF TRANSMISSION/MAILING		571-273-8300
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature		
Typed or printed name	Hugh D. Jaeger, Esq.	Date 10-25-2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER
OCT 25 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	
Burba, et al.)	Examiner Unassigned
Serial Number: 10/706,554)	Art Unit 3761
Filed: 11/12/2003)	DECLARATION
For: Ultrasound Probe)	
Positioning Immersion)	
Shell)	

Central FAX: 571-273-8300

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8	
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office to: 571-273-8300 on <u>10-25-06</u>	
<u>J.A. RATH</u>	<u>[Signature]</u>
Print Name	Signature

DECLARATION

I, Thomas A. Burba, Applicant, state that Accutome, Inc. has not only knocked off Applicant's product as claimed, but Accutome is also infringing on Applicant's registered trademark. Please refer to Exhibit 1, the knock-off advertising literature.

It is, therefore, requested that the examination of the above patent application be expedited.

Applicant's device is new and novel and since its marketplace introduction, the device has become an industry standard.

Applicant is unaware of any prior art which would be pertinent to the examination of the patent application.

10/25/2006 13:56 FAX 9524752930
10/25/2006 14:08 763-208-8105
10/25/2006 12:46 FAX 9524752930

HUGH D JAEGER PA USA
ESI INC
HUGH D JAEGER PA USA

004
PAGE 01
003

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

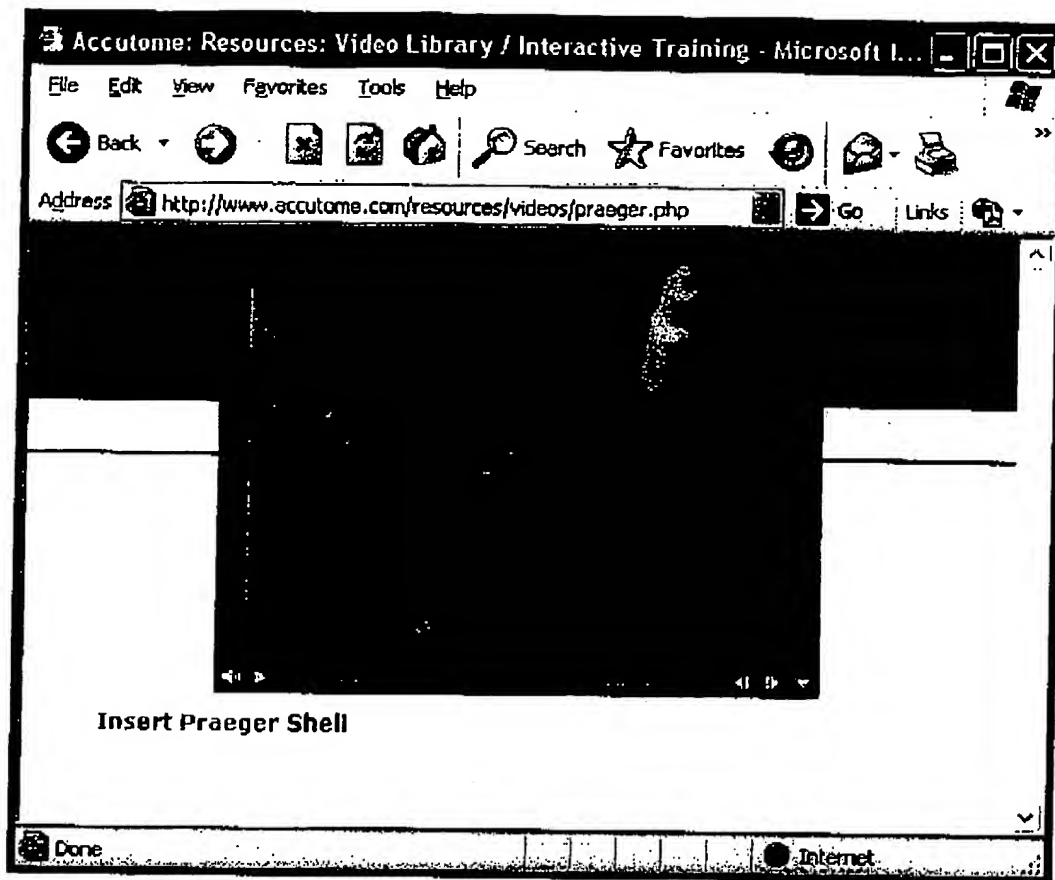
Respectfully submitted,


Thomas A. Burba

10/25/2006

MYFILES\PLEAD\PLS257

Best Available Copy



Best Available Copy

EXHIBIT 1

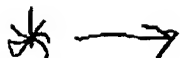


Accutome's Phenomenal Fall Savings !!

Item #	Item Name	List Price	Sale Price	Comparable To:
AX0500	Accu-Proparocaine 15ml	\$7.95	\$5.95	Alcalne
AX0400	Accu-HPMC 15ml	\$9.00	\$7.25	Gonak
AX0200	Accu-Fluro 5ml	\$8.95	\$5.95	Fluress
AX0220	Bio-Glo 300/BX	\$27.95	\$25.00	Fluorets



MISC SALE PRODUCTS



ITEM #	NAME	LIST PRICE	SALE PRICE
AX11120	Prager Ext. Set IV 12"	\$2.25	\$2.10
AX0900	Chin Rest Paper 1000qty	\$9.95	\$8.25
AX11312	Flura-Safe	\$9.95	\$8.95
AX10105	Tetracaine Steri-Dropperette's 12's	\$54.00	\$41.00

Accutome, Inc.
263 Great Valley Parkway
Malvern, PA 19355
800.979.2020 or 610.889.0200
www.accutome.com
eyeopener@accutome.com

Expires 11/30/2006



EXHIBIT 1

Best Available Copy